

ASSEMBLY BILL

No. 2259

Introduced by Assembly Member Aguiar

February 19, 1998

An act to amend Section 290 of the Penal Code, relating to sex offenders.

LEGISLATIVE COUNSEL'S DIGEST

AB 2259, as introduced, Aguiar. Sex offender registration: disclosure.

(1) Existing law requires persons convicted of specified sex offenses to register with local law enforcement agencies upon their discharge, parole, or release from confinement and to update that registration annually or upon a change of residence address, and makes any willful violation of the registration requirements a crime. Existing law authorizes a peace officer to disclose specified information to specified persons and agencies to protect the public, if the officer reasonably suspects that a child or other person may be at risk from a person who is required to register as a sex offender. A law enforcement agency is also authorized to advise the public of the presence in the community of a high-risk sex offender, as defined.

This bill would impose a duty upon every person required to register as a sex offender, who applies or accepts a position as an employee or volunteer with any person, group, or organization where the registrant is likely to come into contact with children, to disclose his or her status as a registered sex offender to that person, group, or organization.

Failure to comply with this disclosure requirement will subject the registrant to criminal penalties. By creating a new crime, this bill would impose a state-mandated local program.

(2) The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that no reimbursement is required by this act for a specified reason.

Vote: majority. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 290 of the Penal Code is
2 amended to read:

3 290. (a) (1) (A) Every person described in
4 paragraph (2), for the rest of his or her life while residing
5 in, or, if he or she has no residence, while located within
6 California, shall be required to register with the chief of
7 police of the city in which he or she is residing, or if he or
8 she has no residence, is located, or the sheriff of the
9 county if he or she is residing, or if he or she has no
10 residence, is located, in an unincorporated area or city
11 that has no police department, and, additionally, with the
12 chief of police of a campus of the University of California,
13 the California State University, or community college if
14 he or she is residing, or if he or she has no residence, is
15 located upon the campus or in any of its facilities, within
16 five working days of coming into any city, county, or city
17 and county in which he or she temporarily resides, or, if
18 he or she has no residence, is located.

19 (B) If the person who is registering has no residence
20 address, he or she shall update his or her registration no
21 less than once every 90 days in addition to the
22 requirement in subparagraph (A), on a form as may be
23 required by the Department of Justice, with the entity or
24 entities described in subparagraph (A) in whose
25 jurisdiction he or she is located at the time he or she is
26 updating the registration.



1 (C) Beginning on his or her first birthday following
2 registration or change of address, the person shall be
3 required to register annually, within five working days of
4 his or her birthday, to update his or her registration with
5 the entities described in subparagraph (A), including,
6 verifying his or her name and address, or temporary
7 location, on a form as may be required by the
8 Department of Justice.

9 (D) In addition, every person who is a sexually violent
10 predator, as defined in Section 6600 of the Welfare and
11 Institutions Code, shall, after his or her release from
12 custody, verify his or her address every 90 days in a
13 manner established by the Department of Justice.

14 (E) No entity shall require a person to pay a fee to
15 register or update his or her registration pursuant to this
16 section.

17 (2) The following persons shall be required to register
18 pursuant to paragraph (1):

19 (A) Any person who, since July 1, 1944, has been or is
20 hereafter convicted in any court in this state or in any
21 federal or military court of a violation of Section 207 or 209
22 committed with intent to violate Section 261, 286, 288,
23 288a, or 289, Section 220, except assault to commit
24 mayhem, Section 243.4, paragraph (1), (2), (3), (4), or
25 (6) of subdivision (a) of Section 261, or paragraph (1) of
26 subdivision (a) of Section 262 involving the use of force
27 or violence for which the person is sentenced to the state
28 prison, Section 264.1, 266, 266c, subdivision (b) of Section
29 266h, subdivision (b) of Section 266i, 266j, 267, 269, 285,
30 286, 288, 288a, 288.5, or 289, subdivision (b), (c), or (d) of
31 Section 311.2, Section 311.3, 311.4, 311.10, 311.11, or 647.6,
32 former Section 647a, subdivision (c) of Section 653f,
33 subdivision 1 or 2 of Section 314, any offense involving
34 lewd or lascivious conduct under Section 272, or any
35 felony violation of Section 288.2; or any person who since
36 that date has been or is hereafter convicted of the attempt
37 to commit any of the above-mentioned offenses.

38 (B) Any person who, since July 1, 1944, has been or
39 hereafter is released, discharged, or paroled from a penal
40 institution where he or she was confined because of the

1 commission or attempted commission of one of the
2 offenses described in subparagraph (A).

3 (C) Any person who, since July 1, 1944, has been or
4 hereafter is determined to be a mentally disordered sex
5 offender under Article 1 (commencing with Section
6 6300) of Chapter 2 of Part 2 of Division 6 of the Welfare
7 and Institutions Code or any person who has been found
8 guilty in the guilt phase of a trial for an offense for which
9 registration is required by this section but who has been
10 found not guilty by reason of insanity in the sanity phase
11 of the trial.

12 (D) Any person who, since July 1, 1944, has been, or is
13 hereafter convicted in any other court, including any
14 state, federal, or military court, of any offense which, if
15 committed or attempted in this state, would have been
16 punishable as one or more of the offenses described in
17 subparagraph (A) or any person ordered by any other
18 court, including any state, federal, or military court, to
19 register as a sex offender for any offense, if the court
20 found at the time of conviction that the person
21 committed the offense as a result of sexual compulsion or
22 for purposes of sexual gratification.

23 (E) Any person ordered by any court to register
24 pursuant to this section for any offense not included
25 specifically in this section if the court finds at the time of
26 conviction that the person committed the offense as a
27 result of sexual compulsion or for purposes of sexual
28 gratification. The court shall state on the record the
29 reasons for its findings and the reasons for requiring
30 registration.

31 (F) (i) Notwithstanding any other subdivision, a
32 person who was convicted before January 1, 1976, under
33 subdivision (a) of Section 286, or Section 288a, shall not be
34 required to register pursuant to this section for that
35 conviction if the conviction was for conduct between
36 consenting adults that was decriminalized by Chapter 71
37 of the Statutes of 1975 or Chapter 1139 of the Statutes of
38 1976. The Department of Justice shall remove that person
39 from the Sex Offender Registry, and the person is



1 discharged from his or her duty to register pursuant to the
2 following procedure:

3 (I) The person submits to the Department of Justice
4 official documentary evidence, including court records or
5 police reports, which demonstrate that the person's
6 conviction pursuant to either of those sections was for
7 conduct between consenting adults that was
8 decriminalized; or

9 (II) The person submits to the department a
10 declaration stating that the person's conviction pursuant
11 to either of those sections was for consensual conduct
12 between adults that has been decriminalized. The
13 declaration shall be confidential and not a public record,
14 and shall include the person's name, address, telephone
15 number, date of birth, and a summary of the
16 circumstances leading to the conviction, including the
17 date of the conviction and county of the occurrence.

18 (III) The department shall determine whether the
19 person's conviction was for conduct between consensual
20 adults that has been decriminalized. If the conviction was
21 for consensual conduct between adults that has been
22 decriminalized, and the person has no other offenses for
23 which he or she is required to register pursuant to this
24 section, the department shall, within 60 days of receipt of
25 those documents, notify the person that he or she is
26 relieved of the duty to register, and shall notify the local
27 law enforcement agency with which the person is
28 registered that he or she has been relieved of the duty to
29 register. The local law enforcement agency shall remove
30 the person's registration from its files within 30 days of
31 receipt of notification. If the documentary or other
32 evidence submitted is insufficient to establish the
33 person's claim, the department shall, within 60 days of
34 receipt of those documents, notify the person that his or
35 her claim cannot be established, and that the person shall
36 continue to register pursuant to this section. The
37 department shall provide, upon the person's request, any
38 information relied upon by the department in making its
39 determination that the person shall continue to register
40 pursuant to this section. Any person whose claim has been

1 denied by the department pursuant to this clause may
2 petition the court to appeal the department's denial of
3 the person's claim.

4 (ii) On or before July 1, 1998, the department shall
5 make a report to the Legislature concerning the status of
6 persons who may come under the provisions of this
7 subparagraph, including the number of persons who
8 were convicted before January 1, 1976, under subdivision
9 (a) of Section 286 or Section 288a and are required to
10 register under this section, the average age of these
11 persons, the number of these persons who have any
12 subsequent convictions for a registerable sex offense, and
13 the number of these persons who have sought successfully
14 or unsuccessfully to be relieved of their duty to register
15 under this section.

16 (b) (1) Any person who is released, discharged, or
17 paroled from a jail, state or federal prison, school, road
18 camp, or other institution where he or she was confined
19 because of the commission or attempted commission of
20 one of the offenses specified in subdivision (a) or is
21 released from a state hospital to which he or she was
22 committed as a mentally disordered sex offender under
23 Article 1 (commencing with Section 6300) of Chapter 2
24 of Part 2 of Division 6 of the Welfare and Institutions
25 Code, shall, prior to discharge, parole, or release, be
26 informed of his or her duty to register under this section
27 by the official in charge of the place of confinement or
28 hospital, and the official shall require the person to read
29 and sign any form that may be required by the
30 Department of Justice, stating that the duty of the person
31 to register under this section has been explained to the
32 person. The official in charge of the place of confinement
33 or hospital shall obtain the address where the person
34 expects to reside upon his or her discharge, parole, or
35 release and shall report the address to the Department of
36 Justice.

37 (2) The official in charge of the place of confinement
38 or hospital shall give one copy of the form to the person
39 and shall send one copy to the Department of Justice and
40 one copy to the appropriate law enforcement agency or



1 agencies having jurisdiction over the place the person
2 expects to reside upon discharge, parole, or release. If the
3 conviction that makes the person subject to this section
4 is a felony conviction, the official in charge shall, not later
5 than 45 days prior to the scheduled release of the person,
6 send one copy to the appropriate law enforcement
7 agency or agencies having local jurisdiction where the
8 person expects to reside upon discharge, parole, or
9 release; one copy to the prosecuting agency that
10 prosecuted the person; and one copy to the Department
11 of Justice. The official in charge of the place of
12 confinement shall retain one copy.

13 (c) Any person who is convicted in this state of the
14 commission or attempted commission of any of the
15 offenses specified in subdivision (a) and who is released
16 on probation or discharged upon payment of a fine shall,
17 prior to release or discharge, be informed of the duty to
18 register under this section by the probation department,
19 and a probation officer shall require the person to read
20 and sign any form that may be required by the
21 Department of Justice, stating that the duty of the person
22 to register under this section has been explained to him
23 or her. The probation officer shall obtain the address
24 where the person expects to reside upon release or
25 discharge and shall report within three days the address
26 to the Department of Justice. The probation officer shall
27 give one copy of the form to the person, send one copy to
28 the Department of Justice, and forward one copy to the
29 appropriate law enforcement agency or agencies having
30 local jurisdiction where the person expects to reside upon
31 his or her discharge, parole, or release.

32 (d) (1) Any person who, on or after January 1, 1986,
33 is discharged or paroled from the Department of the
34 Youth Authority to the custody of which he or she was
35 committed after having been adjudicated a ward of the
36 juvenile court pursuant to Section 602 of the Welfare and
37 Institutions Code because of the commission or
38 attempted commission of any offense described in
39 paragraph (3) shall be subject to registration under the
40 procedures of this section.

(2) Any person who is discharged or paroled from a facility in another state that is equivalent to the Department of the Youth Authority, to the custody of which he or she was committed because of an offense which, if committed or attempted in this state, would have been punishable as one or more of the offenses described in paragraph (3), shall be subject to registration under the procedures of this section.

(3) Any person described in this subdivision who committed an offense in violation of any of the following provisions shall be required to register pursuant to this section:

(A) Assault with intent to commit rape, sodomy, oral copulation, or any violation of Section 264.1, 288, or 289 under Section 220.

(B) Any offense defined in paragraph (1), (2), (3), (4), or (6) of subdivision (a) of Section 261, Section 264.1, 266c, or 267, paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of, Section 286, Section 288 or 288.5, paragraph (1) of subdivision (b) of, or subdivision (c) or (d) of, Section 288a, subdivision (a) of Section 289, or Section 647.6.

(C) A violation of Section 207 or 209 committed with the intent to violate Section 261, 286, 288, 288a, or 289.

(4) Prior to discharge or parole from the Department of the Youth Authority, any person who is subject to registration under this subdivision shall be informed of the duty to register under the procedures set forth in this section. Department of the Youth Authority officials shall transmit the required forms and information to the Department of Justice.

(5) All records specifically relating to the registration in the custody of the Department of Justice, law enforcement agencies, and other agencies or public officials shall be destroyed when the person who is required to register has his or her records sealed under the procedures set forth in Section 781 of the Welfare and Institutions Code. This subdivision shall not be construed as requiring the destruction of other criminal offender or juvenile records relating to the case that are maintained

1 by the Department of Justice, law enforcement agencies,
2 the juvenile court, or other agencies and public officials
3 unless ordered by a court under Section 781 of the
4 Welfare and Institutions Code.

5 (e) (1) On or after January 1, 1998, upon
6 incarceration, placement, or commitment, or prior to
7 release on probation, any person who is required to
8 register under this section shall preregister. The
9 preregistering official shall be the admitting officer at the
10 place of incarceration, placement, or commitment, or the
11 probation officer if the person is to be released on
12 probation. The preregistration shall consist of both of the
13 following:

14 (A) A preregistration statement in writing, signed by
15 the person, giving information that may be required by
16 the Department of Justice.

17 (B) The fingerprints and photograph of the person.

18 (C) Any person who is preregistered pursuant to this
19 subdivision is required to be preregistered only once.

20 (2) A person described in paragraph (2) of subdivision
21 (a) shall register, or reregister if the person has previously
22 registered, upon release from incarceration, placement,
23 or commitment, pursuant to paragraph (1) of subdivision
24 (a). The registration shall consist of all of the following:

25 (A) A statement in writing signed by the person,
26 giving information as may be required by the
27 Department of Justice.

28 (B) The fingerprints and photograph of the person.

29 (C) The license plate number of any vehicle owned
30 by, regularly driven by, or registered in the name of the
31 person.

32 (D) Notice to the person that, in addition to the
33 requirements of paragraph (4), he or she may have a duty
34 to register in any other state where he or she may
35 relocate.

36 (3) Within three days thereafter, the preregistering
37 official or the registering law enforcement agency or
38 agencies shall forward the statement, fingerprints,
39 photograph, and vehicle license plate number, if any, to
40 the Department of Justice.

1 (f) (1) If any person who is required to register
2 pursuant to this section changes his or her residence
3 address, the person shall inform, in writing within five
4 working days, the law enforcement agency or agencies
5 with which he or she last registered of the new address.
6 The law enforcement agency or agencies shall, within
7 three days after receipt of this information, forward a
8 copy of the change of address information to the
9 Department of Justice. The Department of Justice shall
10 forward appropriate registration data to the law
11 enforcement agency or agencies having local jurisdiction
12 of the new place of residence.

13 (2) If any person who is required to register pursuant
14 to this section changes his or her name, the person shall
15 inform, in person, the law enforcement agency or
16 agencies with which he or she is currently registered
17 within five working days. The law enforcement agency or
18 agencies shall forward a copy of this information to the
19 Department of Justice within three days of its receipt.

20 (g) (1) Any person who is required to register under
21 this section based on a misdemeanor conviction who
22 willfully violates any requirement of this section is guilty
23 of a misdemeanor punishable by imprisonment in a
24 county jail not exceeding one year.

25 (2) Except as provided in paragraph (5), any person
26 who is required to register under this section based on a
27 felony conviction who willfully violates any requirement
28 of this section or who has a prior conviction for the offense
29 of failing to register under this section and who
30 subsequently and willfully violates any requirement of
31 this section is guilty of a felony and shall be punished by
32 imprisonment in the state prison for 16 months, or two or
33 three years.

34 If probation is granted or if the imposition or execution
35 of sentence is suspended, it shall be a condition of the
36 probation or suspension that the person serve at least 90
37 days in a county jail. The penalty described in this
38 paragraph shall apply whether or not the person has been
39 released on parole or has been discharged from parole.

1 (3) Any person determined to be a mentally
2 disordered sex offender or who has been found guilty in
3 the guilt phase of trial for an offense for which registration
4 is required under this section, but who has been found not
5 guilty by reason of insanity in the sanity phase of the trial,
6 who willfully violates any requirement of this section is
7 guilty of a misdemeanor and shall be punished by
8 imprisonment in a county jail not exceeding one year. For
9 any second or subsequent willful violation of any
10 requirement of this section, the person is guilty of a felony
11 and shall be punished by imprisonment in the state prison
12 for 16 months, or two or three years.

13 (4) If, after discharge from parole, the person is
14 convicted of a felony as specified in this subdivision, he or
15 she shall be required to complete parole of at least one
16 year, in addition to any other punishment imposed under
17 this subdivision. A person convicted of a felony as
18 specified in this subdivision may be granted probation
19 only in the unusual case where the interests of justice
20 would best be served. When probation is granted under
21 this paragraph, the court shall specify on the record and
22 shall enter into the minutes the circumstances indicating
23 that the interests of justice would best be served by the
24 disposition.

25 (5) Any person who, as a sexually violent predator, as
26 defined in Section 6600 of the Welfare and Institutions
27 Code, fails to verify his or her registration every 90 days
28 as required pursuant to subparagraph (D) of paragraph
29 (1) of subdivision (a), shall be punished by imprisonment
30 in the state prison, or in a county jail not exceeding one
31 year.

32 (6) In addition to any other penalty imposed under
33 this subdivision, any person who is required pursuant to
34 subparagraph (B) of paragraph (1) of subdivision (a) to
35 update his or her registration every 90 days and willfully
36 fails to update his or her registration is guilty of a
37 misdemeanor and shall be punished by imprisonment in
38 a county jail not exceeding six months. Any subsequent
39 violation of this requirement that persons described in
40 subdivision (B) of paragraph (1) of subdivision (a) shall

1 update their registration every 90 days is also a
2 misdemeanor and shall be punished by imprisonment in
3 a county jail not exceeding six months.

4 (7) Any person who is required to register under this
5 section who willfully violates any requirement of this
6 section is guilty of a continuing offense.

7 (h) Whenever any person is released on parole or
8 probation and is required to register under this section
9 but fails to do so within the time prescribed, the parole
10 authority, the Youthful Offender Parole Board, or the
11 court, as the case may be, shall order the parole or
12 probation of the person revoked. For purposes of this
13 subdivision, “parole authority” has the same meaning as
14 described in Section 3000.

15 (i) Except as provided in subdivisions (m) and (n) and
16 Section 290.4, the statements, photographs, and
17 fingerprints required by this section shall not be open to
18 inspection by the public or by any person other than a
19 regularly employed peace officer or other law
20 enforcement officer.

21 (j) In any case in which a person who would be
22 required to register pursuant to this section for a felony
23 conviction is to be temporarily sent outside the institution
24 where he or she is confined on any assignment within a
25 city or county including firefighting, disaster control, or
26 of whatever nature the assignment may be, the local law
27 enforcement agency having jurisdiction over the place or
28 places where the assignment shall occur shall be notified
29 within a reasonable time prior to removal from the
30 institution. This subdivision shall not apply to any person
31 who is temporarily released under guard from the
32 institution where he or she is confined.

33 (k) As used in this section, “mentally disordered sex
34 offender” includes any person who has been determined
35 to be a sexual psychopath or a mentally disordered sex
36 offender under any provision which, on or before January
37 1, 1976, was contained in Division 6 (commencing with
38 Section 6000) of the Welfare and Institutions Code.

39 (l) (1) Every person who, prior to January 1, 1997, is
40 required to register under this section, shall be notified



1 whenever he or she next reregisters of the reduction of
2 the registration period from 14 to five working days. This
3 notice shall be provided in writing by the registering
4 agency or agencies. Failure to receive this notification
5 shall be a defense against the penalties prescribed by
6 subdivision (g) if the person did register within 14 days.

7 (2) Every person who, as a sexually violent predator,
8 as defined in Section 6600 of the Welfare and Institutions
9 Code, is required to verify his or her registration every 90
10 days, shall be notified wherever he or she next registers
11 of his or her increased registration obligations. This notice
12 shall be provided in writing by the registering agency or
13 agencies. Failure to receive this notice shall be a defense
14 against the penalties prescribed by paragraph (5) of
15 subdivision (g).

16 (m) (1) When a peace officer reasonably suspects,
17 based on information that has come to his or her attention
18 through information provided by any peace officer or
19 member of the public, that a child or other person may
20 be at risk from a sex offender convicted of a crime listed
21 in paragraph (1) of subdivision (a) of Section 290.4, a law
22 enforcement agency may, notwithstanding any other
23 provision of law, provide any of the information specified
24 in paragraph (2) of this subdivision about that registered
25 sex offender that the agency deems relevant and
26 necessary to protect the public, to the following persons,
27 agencies, or organizations the offender is likely to
28 encounter, including, but not limited to, the following:

29 (A) Public and private educational institutions, day
30 care establishments, and establishments and
31 organizations that primarily serve individuals likely to be
32 victimized by the offender.

33 (B) Other community members at risk.

34 (2) The information that may be disclosed pursuant to
35 this section includes the following:

36 (A) The offender's full name.

37 (B) The offender's known aliases.

38 (C) The offender's gender.

39 (D) The offender's race.

40 (E) The offender's physical description.

1 (F) The offender's photograph.

2 (G) The offender's date of birth.

3 (H) Crimes resulting in registration under this section.

4 (I) The offender's address, which must be verified
5 prior to publication.

6 (J) Description and license plate number of offender's
7 vehicles or vehicles the offender is known to drive.

8 (K) Type of victim targeted by the offender.

9 (L) Relevant parole or probation conditions, such as
10 one prohibiting contact with children.

11 (M) Dates of crimes resulting in classification under
12 this section.

13 (N) Date of release from confinement.

14 However, information disclosed pursuant to this
15 subdivision shall not include information that would
16 identify the victim.

17 (3) If a law enforcement agency discloses information
18 pursuant to this subdivision, it shall include, with the
19 disclosure, a statement that the purpose of the release of
20 the information is to allow members of the public to
21 protect themselves and their children from sex offenders.

22 (4) For purposes of this section, "likely to encounter"
23 means both of the following:

24 (A) That the agencies, organizations, or other
25 community members are in a location or in close
26 proximity to a location where the offender lives or is
27 employed, or that the offender visits or is likely to visit on
28 a regular basis.

29 (B) The types of interaction that ordinarily occur at
30 that location and other circumstances indicate that
31 contact with the offender is reasonably probable.

32 (5) For purposes of this section, "reasonably suspects"
33 means that it is objectively reasonable for a peace officer
34 to entertain a suspicion, based upon facts that could cause
35 a reasonable person in a like position, drawing when
36 appropriate on his or her training and experience, to
37 suspect that a child or other person is at risk.

38 (6) For purposes of this section, "at risk" means a
39 person is or may be exposed to a risk of becoming a victim
40 of a sex offense committed by the offender.

(7) A law enforcement agency may continue to disclose information on an offender under this subdivision for as long as the offender is included in Section 290.4.

(n) In addition to the procedures set forth elsewhere in this section, a designated law enforcement entity may advise the public of the presence of high-risk sex offenders in its community pursuant to this subdivision.

(1) For purposes of this subdivision:

(A) A high-risk sex offender is a person who has been convicted of an offense specified in paragraph (1) of subdivision (a) of Section 290.4 and also meets one of the following criteria:

(i) Has been convicted of three or more violent sex offenses, at least two of which were brought and tried separately.

(ii) Has been convicted of two violent sex offenses and one or more violent nonsex offenses, at least two of which were brought and tried separately.

(iii) Has been convicted of one violent sex offense and two or more violent nonsex offenses, at least two of which were brought and tried separately.

(iv) Has been convicted of either two violent sex offenses or one violent sex offense and one violent nonsex offense, at least two of which were brought and tried separately, and has been arrested on separate occasions for three or more violent sex offenses, violent nonsex offenses, or associated offenses.

(v) Has been adjudicated a sexually violent predator pursuant to Article 4 (commencing with Section 6600) of Chapter 2 of Part 2 of Division 6 of the Welfare and Institutions Code.

(B) A violent sex offense means any offense defined in Section 220, except attempt to commit mayhem, 261, 264.1, 286, 288, 288a, 288.5, 289, or 647.6, or infliction of great bodily injury during the commission of a sex offense, as provided in Section 12022.8.

(C) A violent nonsex offense means any offense defined in Section 187, subdivision (a) of Section 192, or Section 203, 206, 207, or 236, provided that the offense is

1 a felony, subdivision (a) of Section 273a, Section 273d or
2 451, or attempted murder, as defined in Sections 187 and
3 664.

4 (D) An associated offense means any offense defined
5 in Section 243.4, provided that the offense is a felony,
6 Section 311.1, 311.2, 311.3, 311.4, 311.5, 311.6, 311.7, or 314,
7 Section 459, provided the offense is of the first degree,
8 Section 597 or 646.9, subdivision (d), (h), or (i) of Section
9 647, Section 653m, or infliction of great bodily injury
10 during the commission of a felony, as defined in Section
11 12022.7.

12 (E) For purposes of subparagraphs (B) to (D),
13 inclusive, an arrest or conviction for the statutory
14 predecessor of any of the enumerated offenses, or an
15 arrest or conviction in any other jurisdiction for any
16 offense which, if committed or attempted in this state,
17 would have been punishable as one or more of the
18 offenses described in those subparagraphs, is to be
19 considered in determining whether an offender is a
20 high-risk sex offender.

21 (F) For purposes of subparagraphs (B) to (D),
22 inclusive, an arrest as a juvenile or an adjudication as a
23 ward of the juvenile court within the meaning of Section
24 602 of the Welfare and Institutions Code for any of the
25 offenses described in those subparagraphs is to be
26 considered in determining whether an offender is a
27 high-risk sex offender.

28 (G) Notwithstanding subparagraphs (A) to (D),
29 inclusive, an offender shall not be considered to be a
30 high-risk sex offender if either of the following apply:

31 (i) The offender's most recent conviction or arrest for
32 an offense described in subparagraphs (B) to (D),
33 inclusive, occurred more than five years prior to the
34 high-risk assessment by the Department of Justice,
35 excluding periods of confinement.

36 (ii) The offender notifies the Department of Justice,
37 on a form approved by the department and available at
38 any sheriff's office, that he or she has not been convicted
39 in the preceding 15 years, excluding periods of
40 confinement, of an offense for which registration is



1 required under paragraph (2) of subdivision (a), and the
2 department is able, upon exercise of reasonable diligence,
3 to verify the information provided in paragraph (2).

4 (H) “Confinement” means confinement in a jail,
5 prison, school, road camp, or other penal institution,
6 confinement in a state hospital to which the offender was
7 committed as a mentally disordered sex offender under
8 Article 1 (commencing with Section 6300) of Chapter 2
9 of Part 2 of Division 6 of the Welfare and Institutions
10 Code, or confinement in a facility designated by the
11 Director of Mental Health to which the offender was
12 committed as a sexually violent predator under Article 4
13 (commencing with Section 6600) of Chapter 2 of Part 2
14 of Division 6 of the Welfare and Institutions Code.

15 (I) “Designated law enforcement entity” means any
16 of the following: municipal police department; sheriff’s
17 department; district attorney’s office; county probation
18 department; Department of Justice; Department of
19 Corrections; Department of the Youth Authority;
20 Department of the California Highway Patrol; or the
21 police department of any campus of the University of
22 California or California State University, or community
23 college.

24 (2) The Department of Justice shall continually search
25 the records provided to it pursuant to subdivision (b) and
26 identify, on the basis of those records, high-risk sex
27 offenders. Four times each year, the department shall
28 provide to each chief of police and sheriff in the state, and
29 to any other designated law enforcement entity upon
30 request, the following information regarding each
31 identified high-risk sexual offender: full name; known
32 aliases; gender; race; physical description; photograph;
33 date of birth; and crimes resulting in classification under
34 this section.

35 (3) The Department of Justice and any designated law
36 enforcement entity to which notice has been given
37 pursuant to paragraph (2) may cause to be made public,
38 by whatever means the agency deems necessary to
39 ensure the public safety, based upon information
40 available to the agency concerning a specific person,

1 including, but not limited to, the information described
2 in paragraph (2); the offender's address, which shall be
3 verified prior to publication; description and license plate
4 number of the offender's vehicles or vehicles the offender
5 is known to drive; type of victim targeted by the offender;
6 relevant parole or probation conditions, such as one
7 prohibiting contact with children; dates of crimes
8 resulting in classification under this section; and date of
9 release from confinement; but excluding information
10 that would identify the victim.

11 (o) Agencies disseminating information to the public
12 pursuant to Section 290.4 shall maintain records of those
13 persons requesting to view the CD-ROM or other
14 electronic media for a minimum of five years. Agencies
15 disseminating information to the public pursuant to
16 subdivision (n) shall maintain records of the means and
17 dates of dissemination for a minimum of five years.

18 (p) *Every person required to register under this*
19 *section, who applies or accepts a position as an employee*
20 *or volunteer with any person, group, or organization*
21 *where the registrant is likely to come into contact with*
22 *children, shall disclose his or her status as a registrant to*
23 *that person, group, or organization.*

24 (q) Law enforcement agencies and employees of law
25 enforcement agencies shall be immune from liability for
26 good faith conduct under this section. For the purposes
27 of this section, "law enforcement agency" means the
28 Attorney General, any district attorney, and any state
29 agency expressly authorized by statute to investigate or
30 prosecute law violators.

31 ~~(q)~~

32 (r) Any person who uses information disclosed
33 pursuant to this section to commit a felony shall be
34 punished, in addition and consecutive to any other
35 punishment, by a five-year term of imprisonment in the
36 state prison. Any person who uses information disclosed
37 pursuant to this section to commit a misdemeanor shall be
38 subject to, in addition to any other penalty or fine
39 imposed, a fine of not less than five hundred dollars
40 (\$500) and not more than one thousand dollars (\$1,000).



1 ~~(+)~~

2 (s) The registration and public notification provisions
3 of this section are applicable to every person described in
4 this section, without regard to when his or her crimes
5 were committed or his or her duty to register pursuant to
6 this section arose, and to every offense described in this
7 section, regardless of when it was committed.

8 SEC. 2. No reimbursement is required by this act
9 pursuant to Section 6 of Article XIII B of the California
10 Constitution because the only costs that may be incurred
11 by a local agency or school district will be incurred
12 because this act creates a new crime or infraction,
13 eliminates a crime or infraction, or changes the penalty
14 for a crime or infraction, within the meaning of Section
15 17556 of the Government Code, or changes the definition
16 of a crime within the meaning of Section 6 of Article
17 XIII B of the California Constitution.

18 Notwithstanding Section 17580 of the Government
19 Code, unless otherwise specified, the provisions of this act
20 shall become operative on the same date that the act
21 takes effect pursuant to the California Constitution.

